

parochial schools. The Horace Mann case so holds and we have no reason to believe did not correctly apply first amendment principles."

Mr. Eisenberg further stated that a parochial school is a religious institution and cannot be the recipient of public funds either as grants or loans or in material aid, including textbooks.

THE CHAIRMAN: You have three minutes, Delegate Bennett.

DELEGATE BENNETT: The position of Americans United for the Separation of Church and State seems to be in favor of a more specific provision and emphasizes the importance of the free exercise clause. It also urges the adoption of a proviso which says in so many words, there can be no aid directly or indirectly to any school or institution under the control of any religious domination.

While this is their attitude and what they want, I think they are inclined to accept the wording of the draft. Now, this is substantially the same view as that of Delegate Gallagher, who made a very eloquent, objective and forthright statement to our Committee.

I will leave it to him to explain his own views which I am sure he is very capable of doing, and what I want to say is that these knowledgeable men and women and concerned groups have had a very persuasive effect upon me and their interpretation and the meaning of the first amendment language.

The decision of the Court of Appeals in the Horace Mann case and the Truitt Case are also most persuasive.

Now, my conclusion is this and I hope I am stating the view of the Convention, that it is in light of these cases and their significance and their meaning that we have accepted this proposed language. That is the point that I wish to make and I wish to have it on record.

Thank you so much.

THE CHAIRMAN: Delegate Groh.

DELEGATE GROH: Mr. Chairman and fellow delegates, in the light of Mr. Bennett's closing statement, I do not see where there is any great need to elaborate on this. I do not feel that he is seriously contending that we should eliminate the "free exercise clause". I do not think he intends that at all.

All he says is that his whole intention was to elaborate more fully on the views

of the Committee. I think Mr. Kiefer has very clearly stated our position, that the First Amendment language did the job in the best possible manner as could be done under existing law. The Committee was satisfied to rely on the decisions and the developing law in this area as provided by the Maryland Court of Appeals and the Supreme Court. I respectfully suggest you defeat this amendment.

THE CHAIRMAN: Delegate Bennett, you probably were not aware of the fact that in the presentation of this Committee Recommendation several days ago, a slight error was corrected in section 2, line 21. The word "nor" was stated to be "or". I suppose you want the same correction in your amendment?

DELEGATE BENNETT: Yes.

THE CHAIRMAN: Will you please, in line 3, change the word "nor" to "or".

Is there any further discussion?

Are you ready for the question?

Delegate Price.

DELEGATE PRICE: Mr. Chairman and ladies and gentlemen: I think it is a good thing that the amendment has been offered, because as Delegate Bennett wants us to do, we at least can consider what the Committee meant by this language.

There are many people who believe that religious liberty in America is unique, that it is under-valued, and that it may well be from time to time threatened. The Committee raked over this issue many times. We know that the majority of people who came to this country from the time of the Mayflower to 1790 came to this country to escape religious coercion and a church, sometimes not only established by, but under the control of the government.

I want to continue with a few notes speaking against the amendment and for the language that we have adopted.

There are those who say today that what Thomas Jefferson meant by his classic phrase "separation of church and state" is not important in today's world. However, a quick glance at many of the problems that we have will reveal to us that what Jefferson and Madison led the country to adopt, why they did it and what they intended by it can be very helpful to us as we decide today whether we shall continue this unique contribution of America, the separation of church and state.

Now then, if we look at a brief but accurate history of a picture of American